

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DAVID STEBBINS

PLAINTIFF

v.

Case No. 10-3086

WAL-MART STORES ARKANSAS, LLC

DEFENDANT

ORDER

Now on this 19th day of July 2011, there comes on for consideration Plaintiff's Supplement to Objection to Report and Recommendation (doc. 42), Suggestion in Support of Motion to Confirm Arbitration Award (doc. 43), Motion for Reconsideration and Brief (docs. 44-45), Petition to Confirm Arbitration Award and Brief (docs. 46-47), Suggestion in Support of Second Motion to Confirm Arbitration Award and Suggestion Support of Motion for Reconsideration of First Motion to Confirm Arbitration Award (doc. 51), Defendant's Response in Opposition to Plaintiff's Petition to Confirm Arbitration Award (doc. 54), Plaintiff's Motion to Strike Defendant's Response and Brief (docs. 58-59), Plaintiff's Supplement to Motion for Reconsideration (doc. 60), Plaintiff's Reply Suggestion to Motion to Confirm Arbitration Award (doc. 61), and Plaintiff's Supplement to Motions for Reconsideration and Second Motion to Confirm Arbitration Award (doc. 64).

On April 14, 2011, the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas, issued a report and recommendation (doc. 39) recommending that Plaintiff's

Motion to Confirm Arbitration (doc. 20) be denied and Defendant's Motion for Summary Judgment as to the arbitration claim (doc. 22) be granted. On April 20, 2011, after considering Plaintiff's objections and reviewing the case *de novo*, this Court adopted the report and recommendation (doc. 41).

Despite the fact that Plaintiff's various filings are untimely and frivolous, the Court has again reviewed this case *de novo* and, being well and sufficiently advised, finds its Order (doc. 41) adopting the report and recommendation, denying Plaintiff's Renewed Motion to Confirm Arbitration Award (doc. 20) and granting Defendant's Motion for Partial Summary Judgment Related to Arbitration Claim (doc. 22) was proper. Despite the fact that Plaintiff contends a second agreement to arbitrate exists between himself and Defendant, this argument fails for the same reasons previously recited in the report and recommendation and adopted by this Court. Accordingly, Plaintiff's Motion for Reconsideration (doc. 44), Petition to Confirm Arbitration Award (doc. 46), and Motion to Strike Defendant's Response (doc. 58) are DENIED.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge